

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

ILLINOIS DEPARTMENT OF TRANSPORTATION,)
)
Petitioner,)
)
v.)
)
UNION PACIFIC RAILROAD COMPANY,)
)
Respondent.)
)
Petition for an Order directing the Union Pacific)
Railroad repair the IL149 at Hurst-Bush at-grade)
crossing (including the highway approaches situated)
north of the City of Hurst, Williamson County, Illinois.)

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APR 12 2001

Illinois Commerce Commission
RAIL SAFETY SECTION

Docket No. TOO-01 04

MOTION TO DISMISS

Plaintiff moves the Illinois Commerce Commission, pursuant to Section Z-1009 of the Illinois Code of Civil Procedure (735 ILCS 5/1-1009) for an order dismissing the above-entitled action without *prejudice* and on such terms and conditions as the Illinois Commerce Commission deems proper. In support of its Motion To Dismiss, the Department states that the Respondent has filed no counter petitions against Petitioner and would not suffer substantial prejudice by the dismissal of this action.

Respectfully submitted,


LB

Stacey C. Hollis
Special Assistant Attorney General

Dated April 11, 2001

Illinois Department of Transportation
2300 South Dirksen Parkway, Room 311
Springfield, Illinois 62764
Telephone (217)782-3215

DOCKETED

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ILLINOIS COMMERCE COMMISSION

ILLINOIS DEPARTMENT OF TRANSPORTATION,)

Petitioner,)

v.)

UNION PACIFIC RAILROAD COMPANY,)

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NOTICE OF FILING

TO: Mr. Mack Shumate, UP
Mr. Dean W. Jackson, Attorney
Janice Shirely, City Clerk

PLEASE TAKE NOTICE that I have this 11 th day of April, 2001, forwarded to Mr. Kevin Sharpe, Director of Processing, Transportation Division, of the Illinois Commerce Commission, Springfield, Illinois, for filing in the above matter, a Motion to Dismiss, a copy of which is attached hereto and hereby served upon you.

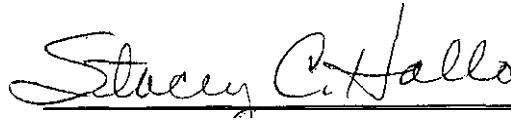


Stacey C. Hollo
Special Assistant Attorney General
2300 South Dirksen Parkway
Room 311
Springfield, Illinois 62764
(217) 782-3215

Counsel for the Illinois
Department of Transportation

PROOF OF SERVICE

The undersigned hereby certifies that a copy of the foregoing instrument was served upon the addressees listed below by mailing a true and correct copy via first class mail, postage pre-paid and depositing the same in the United States Mail, Springfield, Illinois, this 1 lth day of April, 2001:



Mr. Mack Shumate
Union Pacific Railroad
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606

Mr. Dean W. Jackson
Attorney, Union Pacific
522 E. Monroe, Suite 306
Springfield, IL 62701

Janice Shirley
City Clerk
111 N. Bush Ave.
Hurst, IL 62949